

IN THE UNITED STATES BANKRUPTCY COURT FOR THE  
MIDDLE DISTRICT OF TENNESSEE

IN RE:

NUKOTE INTERNATIONAL, INC., et al.,

Debtor(s).

NI CREDITORS' TRUST,

Plaintiff(s),

vs.

OFFICE DEPOT, INC.,

Defendant(s).

CASE NO. 09-06240-KL3-11  
CHAPTER 11  
JUDGE KEITH M. LUNDIN

JOINTLY ADMINISTERED

ADV. NO. 311-0120A

**SUMMONS AND NOTICE OF PRETRIAL CONFERENCE  
IN AN ADVERSARY PROCEEDING**

YOU ARE SUMMONED and required to submit a motion or answer to the complaint which is attached to this summons to the clerk of the bankruptcy court within 30 days after the date of issuance of this summons, except that the United States and its offices and agencies shall file a motion or answer to the complaint within 35 days.

UNITED STATES BANKRUPTCY COURT  
MIDDLE DISTRICT OF TENNESSEE  
701 BROADWAY, ROOM 170, NASHVILLE, TN 37203

At the same time, you must also serve a copy of the motion or answer upon the plaintiff's attorney.

**Name and Address of Plaintiff's Attorney:**

Griffin S. Dunham  
MGLAW, PLLC  
2525 West End Ave., Suite 1475  
Nashville, Tennessee 37203

If you make a motion, your time to answer is governed by Bankruptcy Rule 7012.

YOU ARE NOTIFIED that a pretrial conference of the proceeding commenced by the filing of the complaint will be held at the following time and place:

Date: April 11, 2011

Time: 2:00 p.m..

Location: Courtroom Two, Customs House, 701 Broadway, Nashville, TN 37203.

**IF YOU FAIL TO RESPOND TO THIS SUMMONS, YOUR FAILURE WILL BE DEEMED TO BE YOUR CONSENT TO ENTRY OF A JUDGMENT BY THE BANKRUPTCY COURT AND JUDGMENT BY DEFAULT MAY BE TAKEN AGAINST YOU FOR THE RELIEF DEMANDED IN THE COMPLAINT.**

Date: February 11, 2011

MATTHEW T. LOUGHNEY, CLERK

By: /s/ Mary Beth Rowlett  
Deputy Clerk



### CERTIFICATE OF SERVICE

I, \_\_\_\_\_, certify that I am, and at all times during the service of process  
(name)

was, not less than 18 years of age and not a party to the matter concerning which service of process was made. I further certify that the service of this summons and a copy of the complaint was made \_\_\_\_\_ by:  
(date)

☐ Mail service: Regular, first class United States mail, postage fully pre-paid, addressed to:

☐ Personal service: By leaving the process with defendant or with an officer or agent of defendant at:

☐ Residence Service: By leaving the process with the following adult at:

☐ Publication: The defendant was served as follows: [Describe briefly]

☐ State Law: The defendant was served pursuant to the laws of the State of \_\_\_\_\_,  
(name of state)  
as follows: [Describe briefly]

Under penalty of perjury, I declare that the foregoing is true and correct.

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature

Print Name:			
Business Address:			
<table style="width: 100%;"><tr><td style="width: 40%;">City</td><td style="width: 30%;">State</td><td style="width: 30%;">Zip Code</td></tr></table>	City	State	Zip Code
City	State	Zip Code	

IN THE UNITED STATES BANKRUPTCY COURT FOR THE  
MIDDLE DISTRICT OF TENNESSEE

IN RE:

NUKOTE INTERNATIONAL, INC., et al.,

Debtor(s).

CASE NO. 09-06240-KL3-11  
CHAPTER 11  
JUDGE KEITH M. LUNDIN

NI CREDITORS' TRUST,

Plaintiff(s),

vs.

ADV. NO. 311-0120A

OFFICE DEPOT, INC.,

Defendant(s).

**PRELIMINARY PRETRIAL ORDER**

The party responsible for serving the summons shall, along with the summons, serve a copy of this Preliminary Pretrial Order on all parties.

**COUNSEL FOR ALL PARTIES ARE ORDERED** to confer with all opposing counsel and pro se parties at least seven (7) days before the pretrial conference, and together prepare in writing and file **no less than five (5) days prior to the pretrial conference**, a **JOINT DOCUMENT**, captioned "**PRETRIAL STATEMENT**" containing the following:

**FOR PLAINTIFF**

1. A brief statement of each claim or cause of action.
2. A brief summary of plaintiff's contentions of fact in support of each claim or cause of action and the evidence to be relied upon to establish those facts.

**FOR DEFENDANT**

1. A brief statement of each defense.
2. A brief summary of defendant's contentions of fact in support of each defense and the evidence to be relied upon to establish those facts.

**FOR THE INTERVENOR(S), THIRD-PARTY PLAINTIFF(S), (DEFENDANTS), ETC.**

1. A brief statement of each claim, cause of action or defense.
2. A brief summary of facts in support of each claim, cause of action or defense, and the evidence to be relied upon to establish those facts.

**FOR ALL PARTIES**

1. A statement of all admitted or uncontested facts.
2. Each party's brief statement of contested facts.
3. Each party's brief statement of contested legal issues.

All of the above is to be incorporated in one document which is to be signed by all attorneys and pro se parties prior to the filing. **Failure to comply with this order may result in dismissal of the action, default, the assessment of costs and attorneys' fees or other appropriate remedies.**

ORDERED this 11<sup>th</sup> day of February, 2011.

/s/ Keith M. Lundin  
U.S. BANKRUPTCY JUDGE